

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

MARRIEN NEILSON,

Defendant.

16. Civ. 5475 (KM)

~~PROPOSED~~ **ORDER ESTABLISHING A FAIR FUND AND DIRECTING THE
TRANSFER OF FUNDS TO RELATED PROCEEDING FOR DISTRIBUTION**

WHEREAS, plaintiff Securities and Exchange Commission (the “Commission”) filed this action against defendant Marrien Neilson (“Neilson”) on September 9, 2016;

WHEREAS, on March 3, 2017, the Court entered a final judgment as to Neilson (the “Final Judgment”), which ordered her to pay to the Commission disgorgement in the amount of \$29,624.03, together with prejudgment interest thereon in the amount of \$4,208.92, plus a civil penalty in the amount of \$21,167.05, for total monetary relief of \$55,000.00;

WHEREAS, Neilson promptly made those payments to the Commission;

WHEREAS, the Final Judgment states that the Commission shall hold the funds paid by Neilson pending further order of the Court, and that the Commission “may propose a plan to distribute the funds subject to the Court’s approval,” pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002, as amended (the “Sarbanes-Oxley Act”);

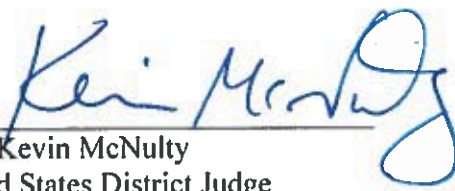
WHEREAS, the Court, having reviewed plaintiff Securities and Exchange Commission’s Motion for an Order Establishing a Fair Fund and Directing the Transfer of Funds to Related Proceeding for Distribution (the “Motion”), *no opposition having been received,* and for good cause shown;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- (ECF no. 14)
1. The Motion is GRANTED;
 2. A Fair Fund is hereby created in accordance with Section 308(a) of the Sarbanes-Oxley Act [15 U.S.C. § 7246(a)], and shall comprise and include the amounts currently held at the Commission in this matter, plus interest; and
 3. The funds held by the Commission in this matter are to be transferred to the Court-appointed monitor in a related action, *SEC v. Brogdon*, 15 Civ. 8173 (KM) (D.N.J.), for distribution to injured investors.

SO ORDERED.

Dated: Newark, New Jersey
~~October~~
November 6, 2017



Hon. Kevin McNulty
United States District Judge